

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. 1:08cv1384LG-RHW

**HANCOCK BANK ACCOUNT NO. 015443791
and ANY UN-CASHED HANCOCK BANK
PROPERTY CASHIER'S CHECK ISSUED IN
THE NAMES OF CLEMENS TINNEMEYER
and TERRI LEAVY**

DEFENDANTS

**FINAL JUDGMENT AND
DEFAULT JUDGMENT OF FORFEITURE**

THIS matter is before the Court on the Motion for Default Judgment (Ct. R., Doc. #12) filed by the United States of America (“Government”) and, finding that the relief sought by such motion has merit and should be granted, the Court further finds and adjudicates as follow:

1. The Verified Complaint in this matter was filed on November 6, 2008, and pursuant to order of this Court, the defendant property, described above, was arrested by the United States Marshal.
2. Subsequently, a notice of this action and of the arrest of defendant property was served by certified mail return-receipt requested upon Clemens Tinnemeyer and Terri Leavy as noted in the Proof of Service filed on April 30, 2009 (Ct. R., Doc. #8). On March 24, 2009, publication of the notice of the arrest of Defendant Property and of this action (Ct. R., Doc. #6) was duly completed in accordance with law and the order of this Court.
3. The notice (Ct. R., Doc. #5) informed all persons or entities, known and unknown, that the defendant property had been arrested, that this forfeiture action was pending, that they had no more than thirty-five days from receipt of notice to file their claims and twenty days after filing

the claim to file their answers. Further, for guidance in the preparation of their claims and answers, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Certain Admiralty and Maritime Claims, Title 28, United States Code, and warned that if this rule was not strictly followed any claim and answer could be stricken and a default judgment of forfeiture rendered.

4. The Government took all reasonable measures to insure that Clemens Tinnemeyer and Terri Leavy, and any other persons or entities received such notice in a timely fashion. To this date, however, Clemens Tinnemeyer and Terri Leavy, nor any other person or entity has filed a claim, answer, or any other pleading in this case nor have they otherwise appeared herein, individually or through a representative. Therefore, any such potential claimants are in total default, the Entry of Default (Ct. R., Doc. #11) made by the Clerk was entirely proper, and the Government is entitled to a default judgment of forfeiture, all without the necessity of any further notice to Clemens Tinnemeyer and Terri Leavy or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the defendant property described as:

PERSONAL PROPERTY

Hancock Bank Cashier's Check #600054892 in the amount of \$8,987.99 relative to proceeds contained in Account # 015443791

Hancock Bank Cashier's Check #600054907 in the amount of \$5,635.00 relative to proceeds of an uncashed cashier's check previously issued to Clemens Tinnemeyer and against the interests therein of Clemens Tinnemeyer and Terri Leavy and any and all persons or entities having or claiming an interest in defendant property.

b. The United States of America is hereby given a judgment of forfeiture on the pleadings against the defendant property described above and against the interests therein of

Clemens Tinnemeyer and Terri Leavy, and a default judgment against any and all persons or entities having or claiming an interest in defendant property.

c. Title to defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Clemens Tinnemeyer and Terri Leavy, are hereby canceled.

d. Defendant property is referred to the custody of the United States Marshal for disposition in accordance with law and regulations.

SO ORDERED AND ADJUDGED this the 25th day of August, 2009.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE